

# Notice of Allowability

Application No.

09/729,015

Examiner

Trenton J. Roche

Applicant(s)

TAKIMOTO, MINORU

Art Unit

2193

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 8 August 2006.
2. ☒ The allowed claim(s) is/are 1-8, 10-18 and 20-28 (renumbered as 1-26).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 05182006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Dexter T. Chang, Reg. No. 44,071 on 13 October 2006.

The application has been amended as follows:

**Claim 1:**

Lines 2 and 3, the phrase "for executing a program written in programming language C++" has been **deleted**.

Line 5, after "indicating a program version" -- for a program being executed -- has been **added**.

**Claim 10:**

Lines 1 and 2, the phrase "for executing a program written in programming language C++" has been **deleted**.

Line 4, after "indicating a program version" -- for a program being executed -- has been **added**.

**Claim 11:**

Lines 5 and 6, after "indicating a program version" -- for a program being executed -- has

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been added.

Lines 7 and 8, the phrase “when a program being executed is” **has been changed to --**  
when the program being executed is --.

**Claim 20:**

Line 3, after “indicating a program version” -- for a program being executed -- has been  
added.

Lines 4 and 5, the phrase “when a program being executed is” **has been changed to --**  
when the program being executed is --.

**Claim 21:**

Lines 6 and 7, after “indicating a program version” -- for a program being executed -- has  
been added.

Lines 8 and 9, the phrase “when a program being executed is” **has been changed to --**  
when the program being executed is --.

The Examiner's amendment was required to more clearly define the invention and to obviate  
any possible rejections under 35 U.S.C. §§ 112, 102 and 103.

***Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance***

6. Claims 1-8, 10-18 and 20-28 (renumbered as 1-26) are allowed.
7. The following is an Examiner's statement of reasons for allowance:

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The closest found prior art of record, specifically, U.S. Patent 5,974,454 to Apfel et al. (hereinafter "Apfel"), taken alone or in combination, fails to teach or reasonably suggest a method and system for changing versions of programs in accordance with independent claim 1. Specifically, Apfel fails to teach "*each of said at least one terminal apparatus includes a message transmitting unit which transmits a message containing version information indicating a program version for a program being executed; wherein the version information is defined in different namespaces, when the program being executed is written in programming language C++, for preventing a collision of names of functions and variables in different versions of the program...*" (claim 1). Similar limitations are recited in independent claims 10, 11, 20 and 21.

Instead, Apfel discloses a system for installing and updating a software program module component on a computer system. While Apfel discloses many of the units outlined in the claim, as noted on pages 3 and 4 of the remarks, Apfel does not disclose the required limitations of defining program version information in different namespaces for the purposes of preventing a collision of names of functions and variables in different versions of the program.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The Examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

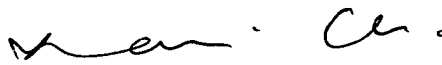
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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche  
Examiner  
Art Unit 2193

TJR

  
KAKALI CHAKI  
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